

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ERIKA WOLFE,

Plaintiff,

v.

KOHL'S INC.,

Defendant.

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No. 3:21-cv-00528

ORDER

In accordance with the discussions at the hearing on January 17, 2023, the Court confirms the following:

(1) By 5:00 p.m. on **January 18, 2023**, Kohl's Inc. shall file its proposed stipulation and, by 5:00 p.m. the following day, Plaintiff shall file notice as to whether she accepts the stipulation.

(2) A listing of the customers who made purchases at Kohl's Clarksville store during the afternoon and evening on the day in question was made Court's Exhibit 1 and shall be filed under seal.

(3) The Court intends to appoint an independent lawyer who will be tasked with (a) linking the names of the individuals on Exhibit 1 with their respective residential and email addresses; (b) identifying those individuals who made purchase in the 1 hour leading up to the slip and fall and for the 2 ½ hours thereafter; and (c) contacting those identified and asking them a list of no more than ten (10) questions in an effort to discover who went to the counter and informed Bryonna McKenzie that a perfume bottle had been broken. To that end, the parties shall endeavor to come up with a list of questions and present the same to the Court for its consideration by 9:00 a.m. Thursday, **January 19, 2023**. By 12:00 p.m. on Wednesday, **January 18, 2023**, the parties shall submit their nominee,

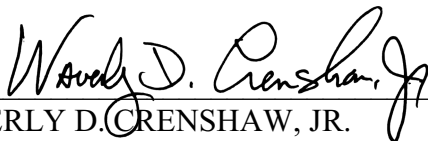
including his or her name, telephone number, and a brief description of that nominee.

(4) On Thursday, **January 19, 2023** at 1:00 p.m., the Court will hold a further hearing, during which time Kohl's Inc. shall present the testimony of Andrew Vardon, along with an individual who can testify about Kohl's *corporate* video retention policies. The Court recognizes that Mr. Vardon is presently on p.t.o, but counsel for Kohl's shall make every effort to insure his presence at the hearing.

(5) By 9:00 a.m. on **January 19, 2023**, Plaintiff shall submit her final list of expert witnesses and treating physicians she intends to call at trial. The parties shall also provide the Court the date on which their next mediation will be held, whether it be with Mr. Flippin or some other mediator.

(6) Plaintiff shall notify the physician who performed her December 30, 2022 surgery that she needs her records from that surgery no later than **January 30, 2023**.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE